

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**TYCO ELECTRONICS  
CORPORATION,  
Plaintiff**

**v.**

**MILWAUKEE ELECTRIC TOOL  
CORPORATION,  
Defendant**

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**No. 1:10-cv-01807**

**(Chief Judge Kane)**

**(Magistrate Judge Methvin)**

**ORDER**

Before the Court is a February 21, 2012 Report and Recommendation of Magistrate Judge Mildred E. Methvin. (Doc. No. 56.) In the Report and Recommendation, Magistrate Judge Methvin recommends that the Court grant Tyco's motion to dismiss Milwaukee Electric's Counterclaims II, III, and IV, and to strike paragraph 8 of its affirmative defenses (Doc. No. 35), and deny Tyco's motion for sanctions under Rule 11 (Doc. No. 36). No timely objections have been filed.

The Magistrate Act, 28 U.S.C. § 636, and Federal Rule of Civil Procedure 72(b), provide that any party may file written objections to a magistrate's proposed findings and recommendations. In deciding whether to accept, reject, or modify the Report and Recommendation, the Court is to make a de novo determination of those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1). When parties do not file objections, the Magistrate Act does not require a district court to review the Report and Recommendation before accepting it. Thomas v. Arn, 474 U.S. 140 149 (1985). The United States Court of Appeals for the Third Circuit has nonetheless explained that courts should "afford some level of review to dispositive legal issues raised by the report." Henderson v.

Carlson, 812 F.2d 874, 878 (3d Cir. 1987). The advisory committee notes to Rule 72(b) of the Federal Rules of Civil Procedure indicate that “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

**ACCORDINGLY**, on this 11<sup>th</sup> day of April 2012, finding no error in Magistrate Judge Methvin’s well-reasoned Report and Recommendation, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Methvin’s Report and Recommendation (Doc. No. 56) is **ADOPTED**;
2. Tyco’s motion to dismiss Milwaukee Electric’s Counterclaims II, III, and IV, and to strike paragraph 8 of the affirmative defenses (Doc. No. 35) is **GRANTED**; and
3. Tyco’s motion for sanctions (Doc. No. 36) is **DENIED**.

S/ Yvette Kane  
YVETTE KANE, Chief Judge  
United States District Court  
Middle District of Pennsylvania